

# SUPREME COURT OF ARKANSAS

**Opinion Delivered 2-1-2007**

IN RE: ADOPTION OF  
RECOMMENDATIONS FROM  
THE ARKANSAS TASK FORCE  
ON COURT SECURITY

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## PER CURIAM

In 2005, the Arkansas Judicial Council and the Arkansas District Court Judges Association requested that the Supreme Court adopt a set of proposed standards for court security. At the time, we expressed concern about the lack of participation and input from city and county officials and others involved in the operation of local court facilities. The Director of the Administrative Office of the Courts was asked to create a task force to study this problem on a comprehensive basis, and the Arkansas Task Force on Court Security was formed to examine court security in the state and to offer recommendations to the Supreme Court. The Task Force was chaired by Circuit Judge Jim Hudson of Texarkana, and the other members were Representative Bob Adams of Sheridan, Sheriff Keith Bowers of Batesville, Larry Burris, Chief Court Bailiff, of Fort Smith, Hon. Sonny Cox, Arkansas County Judge, Eddie Davis, Arkansas Supreme Court Police Chief, Circuit Judge Tim Fox of Little Rock, Hon. Mike Jacobs, Johnson County Judge, Pat Hannah of the Workers' Compensation Commission, Mayor James Morgan of White Hall, Vicki Rima, Garland County Circuit Clerk, District Court Judge David Saxon of Fort Smith, Circuit Judge Hamilton Singleton of Camden, Mayor Tommy Swaim of Jacksonville, District Court Judge Cheney Taylor of

Batesville, and Senator Jerry Taylor of Pine Bluff.

The Task Force submitted its final recommendations to the court on November 15, 2006. The court was also made aware that proposed legislation on court security, consistent with the recommendations which we received, has been submitted to and will be considered by the Arkansas General Assembly. We agree that the issues of court security and emergency preparedness extend beyond the areas of responsibility of the Supreme Court and the judicial branch. These are important issues for all of our citizens - not just judges - and a comprehensive response will require collaboration and response from all three branches of state government and cooperation between the state and local governments. We are appreciative of the study and work undertaken by the members of the Task Force and thank Judge Hudson and the members of the Task Force for their service. At this time, we can take action on several of the recommendations.

One of the Task Force's recommendations calls upon the Supreme Court to establish minimum guidelines to serve as a starting point for security and emergency preparedness plans to be adopted for all state and local court facilities. We note that similar action has been taken by supreme courts in other states.<sup>1</sup> We also note that the Taskforce has used the word "guideline" rather than "standard" or "requirement". We are mindful of the concerns of local officials about the assumption of state-mandated requirements and the potential additional financial costs. These guidelines are intended to serve as guidance to facilitate the first steps toward the adoption of consistent policies and a minimum level of security for all court facilities. We accept this

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<sup>1</sup> See, e.g., Rules of Superintendence for the Courts of Ohio, Appendix C, *Court Security Standards*; *Michigan Court Security Standards*, SCAO Administrative Memorandum 2002-06 (July 3, 2002); Arizona Supreme Court Committee on Courthouse Security and Emergency Preparedness, *Final Report* (Administrative Order 2003-21).

recommendation and adopt the following guidelines:

**Standard A. Security Personnel and Training.** Uniformed and qualified court security officers should be assigned specifically and in sufficient numbers to ensure the security of every court and its facilities. At a minimum, one court security officer shall be present whenever court is in session and has been requested by the judge. The Arkansas General Assembly is respectfully requested to consider the adoption of minimum certification standards for court security officers consistent with current law enforcement personnel standards. In addition to certification, additional training should be required on issues that are specific to a court setting.

**Standard B. Access Control.** Without exception and regardless of the purpose or hour, all individuals entering a courtroom should be subject to a screening process. All entrances to the courtroom should be examined and secured. When possible, entrances should be limited to one main entrance and exit. Personnel and screening equipment should be placed at the main entrance. For those entrances without screening, proper locking mechanisms and alarms should be maintained. Proper signage should be posted in highly visible traffic areas to notify individuals that both their person and their belongings will be screened and/or searched.

Other ways to control access to the court should be explored and incorporated such as locking mechanisms on all entrances, the use of employee identification, restricting access to offices, and maintaining a policy of

restricting weapons in the courthouse facility.

**Standard C. Court Facility Design.** The design of court facilities and offices should be made with security in mind. Buildings should be designed to protect against attack, limit access to sensitive areas, and to avoid inappropriate interaction between the participants in the judicial process. Waiting areas and traffic flow should be designed to allow for the separation of judges, court personnel, and other parties such as jurors, witnesses, and prisoners.

To enhance the safety of court facilities, all courtrooms and hearing rooms should be equipped with a duress alarm. Phones should have a caller identification systems installed and when practicable, video surveillance of court facility parking areas and other strategic areas is recommended. Access to environmental controls should be secured and limited to authorized personnel.

**Standard D. Communication.** Good communication is essential in an emergency. A clear line of authority must be established for each agency and court. A clear definition of who will activate an emergency plan and implement security responses, such as an evacuation, should be established. In addition, all names and contact information of key court personnel should be provided to the Local Security and Emergency Preparedness Advisory Committee and other appropriate agencies. This information should be kept up to date.

**Standard E. After-Hours Security.** Each court facility should adopt procedures to ensure security outside of normal working hours. Additionally, procedures should be implemented for detection of unauthorized entry of a court facility after-hours.

**Standard F. Incident Reporting.** All security and emergency preparedness incidents should be documented in writing and a report of the incident made to the State Security and Emergency Preparedness Committee in a form to be approved by the Committee.

**Standard G. Firearms Policy.** Each local court security and emergency preparedness plan shall include a firearms policy. The policy shall be distributed to all law enforcement agencies in the county and posted at entrances to all court rooms and court facilities.

With respect to the other recommendations, we take the following actions:

- We adopt the fourth recommendation, requesting that we require the creation of a Local Security and Emergency Preparedness Advisory Committees in every Arkansas county. These committees shall be co-chaired by a circuit judge, appointed by the administrative judge, and the county judge and the membership should include a district court judge, city and county executive officers, law enforcement officers, local emergency preparedness officials, and a representative of the public. The specific number and composition of the committee should be determined at the local level. We request that administrative judges and county judges take steps to

implement this recommendation as soon as possible.

- We adopt the fifth recommendation, requesting that we require that a Local Security and Emergency Preparedness Plan be drafted and approved in every county by the Local Advisory Committees discussed above; however, we change the proposed date for submission of such plans to the Supreme Court from July 1, 2007 to January 1, 2008. These plans should apply to every facility in the county in which court proceedings are held or in which court employees are located, and the plans should be consistent with the Minimum Guidelines which we have adopted today.
- The Task Force's first recommendation is the creation of a State Security and Emergency Preparedness Advisory Committee for the purpose of recommending and evaluating uniform state policies on court security and emergency preparedness and assisting local courts in drafting and implementing local plans. We agree with this recommendation, and it will be implemented in due course.
- We support the second recommendation calling for the designation of a Director of Security and Emergency Preparedness, who shall serve as the point of contact on issues of security and emergency preparedness for the judicial branch. This position requires action by the General Assembly, and we urge the General Assembly to enact such legislation.
- Likewise, the third recommendation, the adoption of a comprehensive policy on security and emergency preparedness and the dissemination statewide of a corresponding procedure manual, can only be implemented after a Director of Security and Emergency Preparedness is in place and the State Advisory Committee

has been appointed. At the appropriate time, the court will take further action to implement this recommendation.

Again, we thank all who have worked on this issue in the past. We want all the citizens of the state to know that the Arkansas Supreme Court is committed to this task. All persons who are required to be present in a court facility, be they members of the public, jurors, litigants, lawyers, employees or judges, should be able to conduct their business in a safe and secure environment. We are prepared to work with state executive and legislative branch officials and with local officials who are primarily responsible for our court facilities as we attempt to address this important issue for our state which is central to the proper and efficient administration of justice.